

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY E. CARUSO,

Defendant.

**8:20CR2**

**ORDER ON  
INITIAL REVIEW**

This matter is before the Court on defendant Timothy Caruso's ("Caruso") *pro se* Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Filing No. 174). Caruso contends his appointed counsel at trial and on direct appeal provided ineffective assistance of counsel in violation of the Sixth Amendment to the United States Constitution. *See Strickland v. Washington*, 466 U.S. 668, 694 (1984).

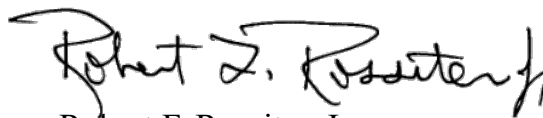
Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts requires the Court to complete an initial review of Caruso's motion. Unless "it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief," the Court must order the United States Attorney to respond to the motion or "take other action the judge may order." *Id.*

Applying that standard, the Court finds summary dismissal is not required in this case. The United States Attorney therefore must file an answer or other response to Caruso's motion on or before April 8, 2024.

IT IS SO ORDERED.

Dated this 8th day of March 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge